

REMARKS

In the Office Action dated August 25, 2004, the examiner required the Applicant to elect a species as part of a restriction requirement. The examiner stated that the generic claims were claims 1 and 10.

While the examiner referred to the drawings as his proposed species, the examiner did not state which claims were associated with which species. The examiner stated the species were Fig. 1, Fig. 2, Figs. 3-4, Figs. 5 and 9, Fig. 6, Fig. 7 and Fig. 8.

If the above groupings are the examiner's proposed species, the examiner's proposed species contradict the Applicant's Specification. In the Specification on p. 6, l. 9-22 and p. 7, l. 5-12, the Applicant discloses that the **same** tow bar assembly of the invention is used with different types of weight distribution systems. The difference between the tow bar assemblies is the orientation of the tow bar assembly from top to bottom during use. This change in orientation is accomplished by simply flipping the entire tow bar assembly 180° in relation to the hitch assembly. Thus without changing the tow bar assembly, the spring can be either on the top or on the bottom after attachment to the hitch assembly.

This disclosure is borne out by Applicant's drawings. Turning to Applicant's drawings, the tow bar assembly shown in Fig. 5 is the same tow bar assembly as the one shown in Fig. 6. The only difference is the view and the removal of the hitch assembly, such as hitch frame 76. Similarly, the tow bar assembly shown in Fig. 7 is the same tow bar assembly shown in Fig. 8. Only in Fig. 7, the tow bar assembly is an exploded view to show how the tow bar assembly assembles together and assembles to the hitch assembly. The tow bar assembly of Figs. 5-6 and 9 and Figs. 7-8 are the same except for the orientation of their attachment to the hitch assembly. Figures 7-8 show an attachment to the hitch assembly that is oriented 180° from the attachment shown in Figs. 5-6 and 9.

Likewise, the tow bar assembly shown in Figs. 1 and 2 are the same except for the orientation of their attachment to the hitch assembly. The tow bar assembly in Fig. 2 is oriented 180° from its attachment to the hitch assembly in Fig. 1.

The tow bar assembly shown in Figs. 3 and 4 is related to the tow bar assembly shown in Figs. 1 and 2. In Figs. 3 and 4, the tow bar assembly is not made from one forked piece but from

three pieces. In addition, in Figs. 3 and 4, the tongue 20 is alone without a projecting bar 18 as shown in Figs. 1 and 2, 5-9. P. 3, l. 20-22.

If the examiner does not withdraw his restriction requirement, Applicant elects the tow bar assembly with the air spring as the species with traverse. This is the tow bar assembly shown in Figs. 5-9.

On the basis of the above amendment and remarks, reconsideration and reversal of the election requirement is believed to be warranted.

Respectfully submitted,

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In re the Application of Paul G. Wilson
Ser. No. 10/701,195